

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA, DAMAN AND DIU

### GOVERNMENT OF GOA, DAMAN AND DIU

Special Department

#### Notification

OSD/RRVS/15/66

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, read with the Government of India, Ministry of External Affairs letter No. F.7(11)/62-Goa dated the 25th July, 1963 the Administrator of Goa, Daman and Diu is pleased to make the following rules amending the Goa Government, Department of Fisheries (Class II Gazetted posts) Recruitment Rules, 1967 issued under Notification dated 3rd January, 1967 and published in Government Gazette Series I, No. 47 dated 23rd February, 1967 namely:

#### 1. Short Title and Commencement:

(i) These rules may be called Goa Government, Department of Fisheries (Class II gazetted posts) Recruitment (First Amendment) Rules, 1970.

(ii) They shall come into force at once.

#### 2. In the Schedule attached to the said Notification.

(i) Against the post of Fisheries Training Officer appearing at serial No. 2 for the existing entry under desirable qualifications, in column 7 substitute:

"Diploma in Fisheries Science issued by the C. I. F. E. Bombay or equivalent".

(ii) Against the post of Superintendent of Fisheries appearing at No. 4 for the existing entry in column 7 substitute:

#### "Essential:

(i) Degree in science of a recognised University or equivalent with Zoology as a subject.

(ii) Diploma in Fisheries Science issued by the C. I. F. E., Bombay or equivalent.

(iii) About 3 years experience of research and/or field work in a Fisheries Department.

(Qualifications relaxable at Commission's discretion in case of candidates otherwise well qualified).

#### Desirable:

M. Sc. degree in Zoology of a recognised University or equivalent".

(iii) Against the post of Gear Technician appearing at Serial No. 8 for the existing entry in column 7 substitute.

#### "Essential:

(i) Degree in Science of a recognised University or equivalent.

(ii) Diploma in Fisheries Science issued by the C. I. F. E., Bombay or equivalent.

(iii) About 3 years experience of research and/or field work in a Fisheries Department.

(Qualifications relaxable at Commission's discretion in case of candidates otherwise well qualified).

By order and in the name of the Administrator of Goa, Daman and Diu.

S. N. Dhumak, Deputy Secretary (Appointments).

Panaji, 21st October, 1970.

### Legislative Assembly of Goa, Daman and Diu

#### Legislature Department

LA/A/7/731/70

The following Act passed by the Legislative Assembly of Goa, Daman and Diu received the Assent of the President of India on the 5th September, 1970, and is hereby published for general information.

### The Goa, Daman and Diu Salaries and Allowances of Ministers (Second Amendment) Act, 1970

(Act No. 10 of 1970) [5th September, 1970]

AN

ACT

Further to amend the Goa, Daman and Diu Salaries and Allowances of Ministers Act, 1964.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-first Year of the Republic of India as follows:

1. Short title and commencement. — (1) This Act may be called the Goa, Daman and Diu Salaries and

Allowances of Ministers (Second Amendment) Act, 1970.

(2) This section and section 3 shall be deemed to have come into force on the 1st day of April, 1969 and the other provisions of this Act shall come into force at once.

**2. Amendment of section 2.** — (1) In clause (d) of section 2 of Goa, Daman and Diu Salaries and Allowances of Ministers Act, 1964 (3 of 1965) (hereinafter referred to as the principal Act), after the words "Chief Minister", the words "and a Deputy Minister" shall be added.

(2) After the said clause (d), the following shall be inserted, namely: —

"(dd) 'prescribed' means prescribed by rules under this Act."

**3. Substitution of new section for section 3.** — For section 3 of the principal Act, the following shall be substituted, namely: —

**"3. Salary and Sumptuary Allowance.** — (1) There shall be paid to each Minister a monthly salary as laid down below, namely: —

1. Minister other than  
Deputy Minister ..... Rs. 1000/-
2. Deputy Minister ..... Rs. 700/-

(2) The Chief Minister shall also be entitled to a sumptuary allowance of two hundred rupees per month."

**4. Substitution of new section for section 4.** — For section 4 of the principal Act, the following shall be substituted, namely: —

**"4. Residence of Ministers.** — Each Minister shall be entitled, without any payment, to the use and maintenance of a furnished residence throughout his term of office and for a period of fifteen days immediately thereafter, and so long as such residence is not provided, to a compensatory allowance of two hundred and fifty rupees per month:

Provided that the compensatory allowance payable to a Deputy Minister for the period for which no residence is provided to him shall be two hundred rupees per month.

**Explanation.** — For the purpose of this section, —

- (i) 'residence' includes the staff quarters and other buildings appurtenant thereto and the garden thereof;
- (ii) 'maintenance' in relation to a residence includes payment of local rates and taxes and provision of electricity and water, provided, however, that the total periodic expenditure on provision of electricity and water shall not exceed seventy five rupees per month in the case of Deputy Minister

or one hundred rupees". per month in the case of any other Minister."

**5. Substitution of new section for section 5.** — For section 5 of the principal Act, the following shall be substituted, namely: —

**"5. Conveyance allowance with and without motor car amenities.** — (1) Each Minister shall at his option be entitled to the free use of motor car and the services of a chauffeur. The cost of petrol and oil for the car shall be borne by the Minister.

(2) A Minister availing of the motor car amenities provided under sub-section (1) shall be paid a conveyance allowance of one hundred rupees per month.

(3) A Minister who instead of availing of the motor car amenities provided under sub-section (1) uses his own motor car shall be paid a conveyance allowance of three hundred rupees per month."

**6. Substitution of new section for section 6.** — For section 6 of the principal Act, the following shall be substituted, namely: —

**"6. Motor car advance.** — In cases falling under sub-section (3) of section 5, there may be paid to a Minister, by way of a repayable advance, such sum of money and subject to such conditions as may be prescribed."

**7. Insertion of new section 11.** — After section 10 of the principal Act, the following shall be added namely: —

**"11. Power to make rule.** — (1) The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) All rules made under this section shall be laid for not less than fourteen days before the Legislative Assembly as soon as possible after they are made, and shall be subject to such modifications as the Legislative Assembly may make during the session in which they are so laid, or during the session immediately following:

Provided that any such modification shall be without prejudice to the validity of any thing previously done or omitted to be done under such rules."

Secretariat  
Panaji,

October 22, 1970.

O. P. GARG,  
Secretary to the Government  
of Goa, Daman and Diu.

LA/A/7/1736/70

The following Act passed by the Legislative Assembly of Goa, Daman and Diu received the Assent of the President of India on the 6th October, 1970, and is hereby published for general information.

The Indian Fisheries (Goa, Daman and Diu  
Amendment No. 1) Act, 1970

(Act No. 11 of 1970) [6th October, 1970]

AN

ACT

*to amend the Indian Fisheries Act, 1897 in its application to the Union territory of Goa, Daman and Diu and for the repeal of certain erstwhile Portuguese Legislation relating to Fisheries in force in the said Union territory.*

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-first Year of the Republic of India as follows:—

1. **Short title, extent and commencement.**—(1) This Act may be called the Indian Fisheries (Goa, Daman and Diu Amendment No. 1) Act, 1970.

(2) It extends to the whole of the Union territory of Goa, Daman and Diu.

(3) It shall come into force on such date as the Lieutenant Governor of Goa, Daman and Diu may, by notification in the Official Gazette, appoint.

2. **Amendment of section 3.**—In clause (2) of section 3 of the Indian Fisheries Act, 1897 (hereinafter referred to as the “principal Act”), after the word “trap” and before the words “or other contrivance”, the words “fishing stakes” shall be inserted.

3. **Amendment of section 6.**—(1) In sub-section (3) of section 6 of the principal Act,—

(i) in clause (b), the word “and” shall be deleted;

(ii) in clause (c), for the full stop, a semi-colon shall be substituted; and

(iii) after clause (c), the following shall be added, namely:—

“(d) the ejection into water of any solid, liquid or gaseous matter, including industrial effluents, which may be harmful to the fishes in such water.”.

(2) For sub-section (4) of section 6 of the principal Act, substitute the following, namely:—

“(4) Such rules may also prohibit all fishing in any specified water except under a lease or licence granted by the Government of Goa, Daman and Diu and regulate the grant of such leases or licences and prescribe the rents or fees payable therefor and the terms and conditions to be specified therein.”.

(3) After sub-section (6) of section 6 of the principal Act, the following shall be added, namely:—

“(7) Every rule made under this Act shall be laid as soon as may be after it is made before the Legislature of the Union territory of Goa, Daman and Diu while it is in session for a total period of thirty days which may be

comprised in one session or in two successive sessions and if before the expiry of the session in which it is so laid or the session immediately following the Legislature agree in making any modification in the rule or the Legislature agree that the rule should not be made and notify such decision in the Official Gazette, the rule shall from the date of publication of such notification have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.”.

4. **Addition of new section 8.**—After section 7 of the principal Act, the following shall be added, namely:—

“8. **Repeal and savings.**—As from the date of coming into force of the provisions of the Indian Fisheries (Goa, Daman and Diu Amendment No. 1) Act, 1970, in the Union territory of Goa, Daman and Diu, the provisions of—

(a) Legislative Diploma No. 114 dated the 1st December, 1924,

(b) Legislative Diploma No. 669 dated 18th July, 1933 and any other corresponding order or rule or law in force in the Union territory of Goa, Daman and Diu shall stand repealed:

Provided that the repeal shall not affect—

(a) the previous operation of any order or rule or law so repealed or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liabilities acquired, accrued or incurred under any order, rule or law so repealed; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any order, rule or law so repealed; or

(d) any investigation, prosecution, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, prosecution, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.”.

Secretariat

Panaji,

October 23, 1970.

O. P. GARG,

Secretary to the Government  
of Goa, Daman and Diu.

LA/A/7/1737/70

The following Act passed by the Legislative Assembly of Goa, Daman and Diu received the Assent of the President of India on the 13th October, 1970, and is hereby published for general information.

The Goa, Daman and Diu Salaries and Allowances  
of the Speaker and Deputy Speaker (Second  
Amendment) Act, 1970

(Act No. 12 of 1970) [13th October, 1970]

AN

ACT

*further to amend the Goa, Daman and Diu Salaries and Allowances of the Speaker and Deputy Speaker Act, 1964 (No. 4 of 1965).*

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-first Year of the Republic of India as follows:—

**1. Short title and commencement.**— (1) This Act may be called the Goa, Daman and Diu Salaries and Allowances of the Speaker and Deputy Speaker (Second Amendment) Act, 1970.

(2) It shall be deemed to have come into force on the 1st day of April, 1969.

**2. Amendment of section 3.**— The section 3 of the Goa, Daman and Diu Salaries and Allowances of the Speaker and Deputy Speaker Act, 1964 (hereinafter called the 'principal Act') shall be renumbered as sub-section (1) of that section and—

(i) in sub-section (1) renumbered as aforesaid, after the words "the Chief Minister", the words "and a Deputy Minister" shall be inserted;

(ii) after sub-section (1) renumbered as aforesaid the following shall be inserted namely:—

"(2) The Speaker shall also be paid a sumptuary allowance of one hundred rupees per month."

**3. Amendment of section 5.**— In section 5 of the principal Act,—

(a) for the words "five hundred rupees per month and shall be entitled to such" the words "seven hundred rupees per month and shall be entitled to such conveyance allowance and" shall be substituted;

(b) in the first proviso, for the words "fifty rupees" the words "seventy five rupees" shall be substituted; and

(c) in the second proviso, for the words "one hundred rupees" the words "two hundred rupees" shall be substituted.

**4. Substitution of new section for section 6.**— For section 6 of the principal Act, the following shall be substituted, namely:—

**"6. Motor car advance.**— There shall be paid to a Deputy Speaker by way of repayable advance such sum of money, and subject to such conditions, as may be determined by rules made under the Goa, Daman and Diu Salaries and Allowances of Ministers' Act, 1964 in behalf of

motor car advance that may be paid to a Minister:

Provided that the said advance shall be available to a Deputy Speaker only in cases where he does not avail of the amenities stated in sub-section (1) of section 5 of the Goa, Daman and Diu Salaries and Allowances of Ministers Act, 1964."

Secretariat

Panaji,

October 23, 1970.

O. P. GARG,

Secretary to the Government  
of Goa, Daman and Diu.

Legislative Affairs Cell

Notification

LA/Cell/1641/70

The Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Act, 1970, (Act No. 28 of 1970) which was recently passed by Parliament and assented to by the President of India on 9-8-70 is hereby reproduced below for general information.

O. P. Garg, Secretary, Law & Legislature.

Panaji, 6th October, 1970.

The Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Act, 1970

No. 28 of 1970 [9th August, 1970]

AN

ACT

*to enlarge the appellate jurisdiction of the Supreme Court in regard to criminal matters.*

Be it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

**1. Short title and extent.**— (1) This Act may be called the Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Act, 1970.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

**2. Enlarged appellate.**— Without prejudice to the powers conferred on the Supreme Court by clause (1) of article 134 of the Constitution, an appeal shall lie to the Supreme Court from any judgement, final order or sentence in a criminal proceeding of a High Court in the territory of India if the High Court—

*Jurisdiction of Supreme Court in regard to criminal matters.*— (a) has on appeal reversed an order of acquittal of an accused person and sentenced him to imprisonment for life or to imprisonment for a period of not less than ten years;

(b) has withdrawn for trial before itself any case from any court subordinate to its authority and has in such trial convicted the accused person and sentenced him to imprisonment for life or to imprisonment for a period of not less than ten years.

N. D. P. NAMBOODIRIPAD,  
Joint Secretary to the Govt. of India.

### Local Self Government Department

#### Notification

3-81-69-LSG

The following draft of the Goa, Daman and Diu Municipalities (Transfer of Immovable Property) Rules, 1970 which the Government of Goa, Daman and Diu in exercise of the powers under Section 306 of the Goa, Daman and Diu Municipalities Act, 1968 (7 of 1969) proposes to make is hereby published for general information. If any person has any suggestions or objections to make regarding the said draft the same may please be sent to the Under Secretary to the Government of Goa, Daman and Diu in the Department of Local Self Government within 15 days of this publication, so that they may be taken into consideration by the Government at the time of finalization of the said draft at the end of the said period of 15 days.

In exercise of the powers conferred by section 306 read with sub-section (2) of section 88 of the Goa, Daman and Diu Municipalities Act, 1968 (No. 7 of 1969, and all other powers enabling it in this behalf, the Government of Goa, Daman and Diu, hereby makes following rules, namely:

1. **Short title.**—These rules may be called the Goa, Daman and Diu Municipalities (Transfer of Immovable Property) Rules, 1970.

2. **Definitions.**—In these rules, unless the context otherwise requires,—

(a) "Act" means the Goa, Daman and Diu Municipalities Act, 1968 (No. 7 of 1969);

(b) "section" means a section of the Act.

3. **Application.**—These rules shall apply to all proposals of transfer of immovable property of a Council under section 88.

4. **Council may transfer immovable property not required by it.**—Subject to the provisions of section 88 and other provisions of the Act, a Council may transfer by sale, lease, exchange or otherwise, any immovable property vested in it, if such property is no longer required, or is not likely to be required in the near future, by it for the purposes of Act, or is of such a nature that it is in the interest of the Council to transfer such property.

5. **Transfer of immovable property yielding income ordinarily to be by public auction.**—No immovable property which yields, or is capable of yielding, an

income shall be transferred by sale or lease, except to the highest bidder at a public auction:

Provided that, the Council may, for reasons to be recorded in writing and subject to the sanction of the Director, transfer such immovable property to any bidder, other than the highest bidder at the auction:

Provided further that, if the Council is of opinion that it is not desirable to hold a public auction, it may, with the sanction of the Director, effect such transfer without holding a public auction:

Provided also that, in the case of any transfer of immovable property by lease the Council shall reserve a reasonable annual rent which shall be payable during the whole term of the lease and in the case of transfer of such property by sale it shall reserve a reasonable sale value.

6. **Notice as to time and place of auction to be advertised by Chief Officer.**—When a transfer of immovable property is to be made by public auction, the time, date, place and the conditions of the auction shall, not less than fifteen days prior to the date of auction, be advertised by the Chief Officer in one or more local newspapers. A copy of the notice shall also be affixed on the Notice Board of the Municipal Office and at the site of the immovable property and also at such other places, as the Chief Officer may consider desirable. The Chief Officer may also give such additional publicity by beat of drum or any other customary mode of publicity as he may consider it necessary.

7. **Chief Officer to record reasons for postponement of auction.**—The Chief Officer may for reasons to be recorded in writing postpone the public auction to be held for transfer of any immovable property and give sufficient publicity to the revised time, date and place.

8. **Auction to take place under supervision of Chief Officer.**—Every auction for transfer of immovable property shall take place under the supervision of the Chief Officer. However, if for sufficient reasons, it is not possible for the Chief Officer to conduct the auction, he shall, with the permission of the president, authorise in writing any other officer not below the rank of the Head Clerk in the employ of the Council, for the purpose.

9. **Additional conditions of auction.**—Every auction shall, in addition to any other conditions which the Council may think fit to impose, be subject to the following conditions, that is to say,—

(A) In the case of sale:—

(i) the highest bidder shall deposit 25 per cent. of the auction price immediately after his bid is accepted by the person under whose supervision the auction is held. He shall pay the balance and execute the deed of transfer within thirty days of the final acceptance of the bid when communicated to him. If he fails to deposit 25 per cent. of the auction price immediately, or to pay the balance within thirty days as aforesaid the property may be re-auctioned at his risk and cost. If the re-auction results in any loss to the Council, he shall be liable for it;

(ii) if the highest bid is not accepted by the Council, the amount deposited by the highest bidder shall be refunded to him. If a lower bid is accepted, the person whose bid is accepted shall pay the amount of such bid within thirty days of the acceptance of the bid when communicated to him. If he fails to do so, the property may be re-auctioned at his risk and cost. If the re-auction results in any loss to the Council, he shall be liable for it.

(B) In the case of lease:—

(i) the lessee shall deposit 25 per cent. of the annual rent, payable during the whole term of the lease within a week from the date the Council communicates to him the acceptance of his bid. If he fails to do so, the property may be re-auctioned at his risk and cost. If the re-auction results in any loss to the Council, the lessee shall be liable for such loss. The Council

shall refund the amount of deposit to the lessee immediately after the lease period is over, subject to the satisfactory fulfilment of the conditions of the lease, the lessee shall not earn interest on the said deposit;

(ii) the lessee shall not grant a sub-lease to any person without the prior sanction of the Council. If any lessee grants a sub-lease without the prior sanction of the Council, he shall cease to be a lessee from the date he is so informed by the Council, and shall be liable to forfeit the amount deposited by him.

By order and in the name of the Administrator of Goa, Daman and Diu.

*D. N. Barua*, Secretary, Industries and Labour Department.

Panaji, 20th October, 1970.